



**MONROECOUNTY
PLANNING & ZONING DEPARTMENT**
14345 County Highway B, Suite 5, Sparta WI 54656-4509
FAX: 608-366-1809
Administrator-Alison Elliott, 608-269-8939

NOTICE OF MEETING

COMMITTEE: Sanitation, Planning & Zoning, & Dog Control
DATE: August 22, 2016
TIME: 6:00 P.M.
PLACE: Rolling Hills – Auditorium
14345 County Hwy B Sparta, WI 54656,

SUBJECT MATTER TO BE CONSIDERED
Discussion and possible action of the following:

- a. Roll Call
- b. Possible Corrections and Approval of July 18, 2016 Meeting Minutes
- c. Public Comment (3 minutes each)
- d. Public Hearings.

Petition for David A. Robertson, for a **change of zoning district**, from General Forestry to R-3 Rural Residential located at 4578 County Hwy I, Sparta, WI., a parcel of land located in the NE $\frac{1}{4}$ -SE $\frac{1}{4}$ of Section 26, T19N, R4W, Town of Little Falls, Monroe County, Wisconsin. Reason for change of zoning is to meet the minimum acreage requirement and reflect actual usage of the property.

Petition for Reed A. Smith for a **change of zoning district**, from GA-General Agriculture to R3 Rural Residential on a parcel of land located at 22341 Derby Ave in part of the NE $\frac{1}{4}$ & SW $\frac{1}{4}$ and the SE $\frac{1}{4}$ & NW $\frac{1}{4}$, Section 7, T18N-R1W, Town of LaGrange, Lot 1 of 12CSM95 Doc # 471870, to reduce the minimum setback requirements.

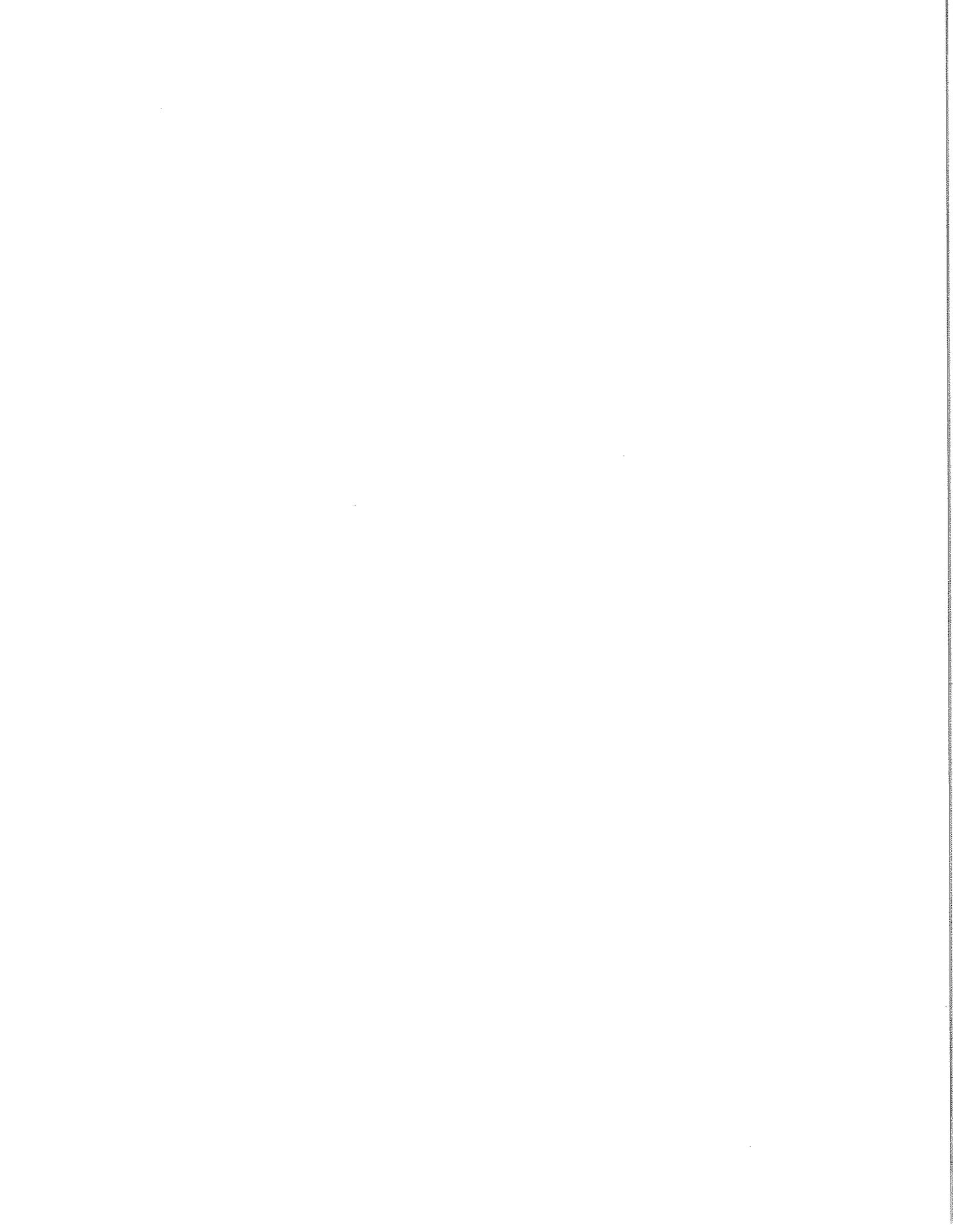
Amendments to the Monroe County Zoning Ordinance Chapter 47

Amendments to the Monroe County Shoreland Zoning Ordinance Chapter 53

- e. Dog Control
- f. Sanitation & Zoning
- g. Budgets
- h. Financial Report - Vouchers - Inter-departmental Transfers - Line Item Transfers – Budget Adjustments
- i. Set Date for Next Meeting, Possible Agenda Items.
- j. Adjournment

Doug Path, Chairman

Note: A quorum of the Monroe County Board of Supervisors or Committees may be present but no County Board or Committee business other than the Sanitation, Planning & Zoning and Dog Control Committee will be conducted.



July 18, 2016

Sanitation/Planning & Zoning/Dog Control

Meeting called to order at 6:00 p.m., by Chairman, Doug Path

Present: Doug Path, Cedric Schnitzler, Rod Sherwood, and Dan Olson. Absent: Paul Steele

Also Present: Alison Elliott-Sanitation, Zoning, and Dog Control Administrator, Amber Dvorak-Humane Officer and public.

Possible Corrections and Approval of June 20, 2016 Meeting Minutes.

A **Motion** was made by Dan Olson, seconded by Rodney Sherwood to approve the minutes from the June 20, 2016 meeting. Motion carried, 4-0.

Public Comment (3 minutes each): Nothing to add.

Public Hearings

Application for Daniel J. Peltier for a **conditional use permit** for a Masonry Business, on property located at 6880 County Hwy BC, in part of the NW $\frac{1}{4}$ of SW $\frac{1}{4}$, Sec. 9, T17N, R4W, in the Town of Sparta, tax ID # 040-00217-0000, 4.0 acres. The adjoining land use is primarily agriculture.

Mr. Peltier was not present to represent himself. Alison explained that Mr. Peltier was applying for the application for a Masonry business that he runs out of his residence. He has several buildings for storage of materials and equipment. His employees park their vehicles at the site and travel from there to the job sites.

An email was received from the Town of Sparta the conditional use permit and requesting that three conditions be placed on it. 1) The permit was good for only Mr. Peltier and not the land, 2) No stacking of materials higher than 8 feet and 3) Only the northeast $\frac{1}{4}$ acre of the 4 acre property is to be used for the business.

Discussion was held.

A **Motion** was made by Rodney Sherwood, seconded by Cedric Schnitzler to approve the conditional use permit for the masonry business with the three conditions requested by the Town of Sparta. Motion carried, 4-0.

Application for Raymond Habelman and Verizon Wireless for a **conditional use permit** for placement of a 199' monopole cell tower on property located on Apollo Rd in part of the SW $\frac{1}{4}$ of SW $\frac{1}{4}$, Sec. 2, T19N, R3W, in the Town of New Lyme, tax ID # 028-00027-0000 on 40 acres. The adjoining land use is, woodlands, agriculture and cranberry marsh.

Raymond Habelman nor Verizon Wireless were present. No letter or phone call was received from the Town of New Lyme regarding any concerns for this application.

Roger Greenwood and John Casles, neighboring property owners of the proposed tower site were present to address concerns they had. Both live within a half mile radius from the site location and were wondering if they would have interference with reception for T.V., phones, etc. The other concern was if there was going to be a light on this tower due to Fort McCoy air crafts flying just above the tree lines in that area. They felt this is a bad corner that constantly has air planes/helicopter flying in that area just above the tree tops and would not see the tower.

July 18, 2016

A motion was made by Rodney Sherwood, seconded by Cedric Schnitzler to table the discussion until the end of the meeting to see if someone from Verizon Wireless would arrive for questions to be answered. Otherwise the application for the conditional use permit would be post-poned until next month. Motion carried, 4-0.

Dog Control:

Increase hours for part time clerical:

Amber, Alison and committee members readdressed the discussion of increasing hours for the part-time employee to a full time employee from last month's meeting.

Discussion was held. Committee members felt it was not the right time to address increased hours of staff at this time but would readdress if still felt needed in the future.

However, after discussion regarding staff at the shelter and all their hard work and dedicated hours to the shelter the committee felt it was good idea to increase wages for the current staff who are only receive \$8 an hour. This will be addressed at our next meeting after Alison has a chance to gather information in regards to budget.

Increase fees: Alison gave a hand-out to committee members with current fees for the shelter. These included adoption fees, license fees, etc. See attachment to the minutes. Alison used a full year from 2015 for totals and included the projected increased fees if applied for comparison to show the increase revenue for the animal shelter. Alison stated that the license fees have not been increased since 2011. Adoption fees have not been increased since 2014.

Amber-Humane Officer reported on what fees were for other shelters in the area. It was also brought to the committee's attention that most of the animal shelters are privately owned and that we are 1 of 3 public owned facilities.

Discussion was held.

A Motion was made by Rodney Sherwood, seconded by Cedric Schnitzler to increase the animal shelter fees starting Jan. 1, 2017 and dog license fees starting with the sale of 2017 licenses on Dec. 1, 2016. See attachment for dollar amounts. Motion carried, 4-0.

Stray cats

Doug received a call from a constituent in the Tomah area in regards to stray cats. Amber reported on the number of phone calls they receive at the shelter. On an average they probably received 5-7 calls a week regarding cat issues. In the past we were able to work with Coulee Region to house cats but due to their limited space they no longer will take strays from other counties. Amber stated that we are aware that this has been an issue but there is no place to go with them.

Discussion was held:

Doug would like to have the shelter keep a log and give a monthly report to the committee to see how often they receive calls in regards to stray cats.

6:45pm, Shane Begley representing Verizon Wireless arrived. A motion was made by Rodney Sherwood, seconded by Cedric Schnitzler to reopen the public hearing on the application for conditional use permit for Ray Habelman and Verizon Wireless for placement of a 199' monopole cell tower, Town of New Lyme. Motion carried, 4-0.

July 18, 2016

Shane Begley apologized for being late and addressed the committee and public. Dan Olson informed Mr. Begley that there were several issues that public members would like to address the application with concerns they have and turned the floor over to Mr. Greenwood and Mr. Casles. Again they addressed their issues to Shane Begley regarding concerns with interference of reception, and safety of the Ft McCoy aircraft. They also were wondering if Fort McCoy was involved in the process due to the proximity of the proposed tower site.

Shane Begley informed them that there would be no issues with interference in reception as far as T.V. and phones. He also informed them that Fort McCoy was involved in that process. He mention that a light was not going to be put on the tower because it was below the 200' height required for lighting by the FAA. Construction to start October-November 2016.

Discussion was held.

During the discussion it was noted that the fall zone needed to be changed to 33% of the Tower height in order to meet the setbacks the road. Mr. Begley would have this change made and get corrected copies to Alison.

A Motion was made by Cedric Schnitzler, seconded by Dan Olson, to approve the **conditional use permit** for placement of a 199' monopole cell tower on property located on Apollo Rd, Town of New Lyme with the condition that the tower be engineered to fall within a radius equal to 33% the height of the tower. Motion carried, 4-0.

Sanitation & Zoning:

Two public hearings next month for zoning code amendments Ch 47 & Ch 53. Public hearing notices have been sent to the zoned municipalities as well as the papers.

Budgets:

Alison gave hand-outs on the projected 2017 budget for Sanitation, Zoning and Dog Control.

Alison explained the changes she made for 2017.

- 1) Increased office supplies under Sanitation and Zoning for two new office chairs. The current chairs are more than 15 years old and were given to the department. Also increase for window envelopes for the maintenance reports. The new permit tracking system only allows one type of labels that are expensive and will also save time.
- 2) She decreased the motor vehicle expense due to receiving two new vehicles in 2016 which should be under warranty.

The report Alison handed out did not have the previous years' budgets to compare with the projected 2017, therefore Alison will send an email to the committee members a comparison and they will revisit the budget on August 22, 2016, which is our next meeting.

July 18, 2016

FINANCIAL REPORT - VOUCHERS - INTER-DEPARTMENTAL TRANSFERS – CREDIT CARD EXPENDITURES – LINE ITEM TRANSFERS – BUDGET ADJUSTMENTS

Department Vouchers		Prepaid Vouchers		Interdepartmental Transfers		Credit Card Voucher	
Sanitation	1942.35	Sanitation	0	Sanitation	43.01	Sanitation	15.78
Zoning	59.57	Zoning	0	Zoning		Zoning	156.47
Dog Control BOA	1532.08 58.56		0	Dog Control		Dog Control	813.31
Total	3592.56	Total	0		43.01	Total	985.56

Vouchers were reviewed by committee.

Motion was made by Rodney Sherwood, seconded by Cedric Schnitzler to approve the financial reports. Motion carried, 4-0.

Set Date for Next Meeting and Possible Agenda Items.

The next regular meeting will be on Monday, August 22, 2016 and will be at 6:00 pm at the Rolling Hills Auditorium. Please note the date being the 4th Monday instead of third Monday our normal schedule.

A motion to adjourn was made by Cedric Schnitzler, seconded by Dan Olson. Motion carried, 4-0.

Meeting adjourned at 7:30 p.m.

Recorded by Gretchen Jilek

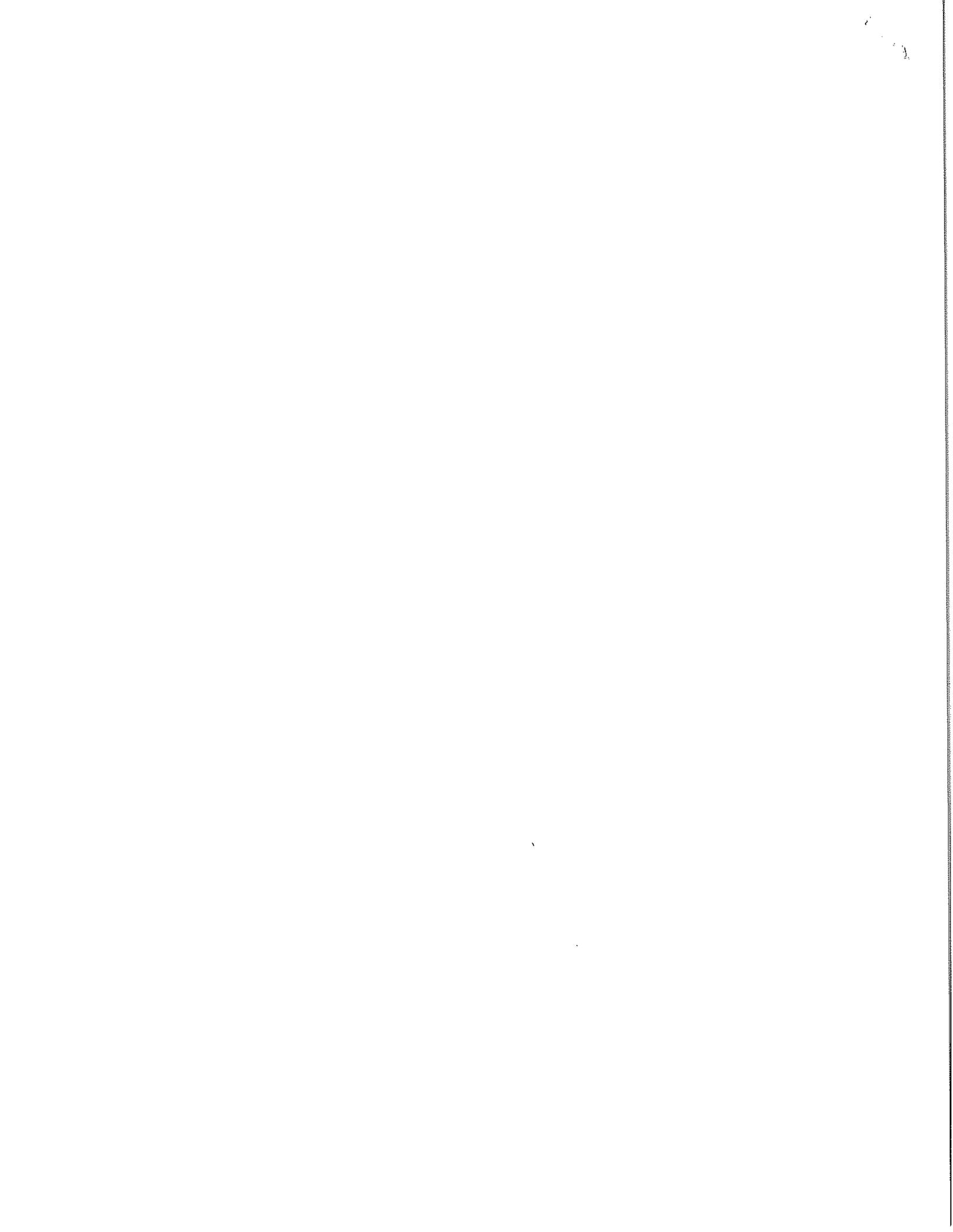
July 18, 2016

Animal Shelter Fees to be increased starting January 1, 2017

Adoptions:	Puppies (still have baby teeth)	\$125.00 to <i>\$140</i>
	Small dogs (under 25lbs)	\$125.00 to <i>\$140</i>
	All other dogs	\$95.00 to <i>\$110</i>
Surrenders:	Adult Dog	\$15.00 to <i>\$20</i>

Dog License Fees to be increased starting with the sale of 2017 licenses on Dec. 1, 2016.

Male	\$25.00 to <i>\$26.00</i>
Female	\$25.00 to <i>\$26.00</i>
Neutered Male	\$10.00 to <i>\$11.00</i>
Spayed Female	\$10.00 to <i>\$11.00</i>
Multi Dog License: (up to 12 dogs)	\$125.00 to <i>\$140.00</i>



July 29, 2016

Rezoning Staff Report
Monroe County Planning & Zoning Department
Reed A. Smith
Hearing Date: August 22, 2016

Property Owner(s): Reed Smith
Town: LaGrange
Site Address: 22341 Derby Ave.
Parcel Id: 020-00170-2000
Legal Description: Part of NE of the SW, and SE of the NW, Sec. 7, T18N, R1W
Lot 1 of 12 CSM 95
Total Acres: 1.5 Acres
Current Zoning: General Agriculture
Requested Zoning: R-3 Rural Residential

Attachments: 1. Application
 2. Certified Survey Map
 3. Zoning Map
 4. Site Map

Background

Purposed for Request:

To change the zoning to reduce the minimum setbacks.

General Features of the Property:

Based on the county zoning maps the parcel to be rezoned is bounded on all sides by parcels which are zoned GA General Agriculture (see attachment #3: *Zoning Map*)

-Access for this parcel is off of Derby Ave.

-Current land use is indicated as Residential. (see *Existing Land Use-Map 12*)

Monroe County Comprehensive Plan:

There are no Shorelands, Wetlands, Floodplain or Perennial Streams contained on this property. The property is identified as NRCS Class IV-VIII soils for farmland capability. (see *Soils and Farmland Map 7*) Class IV-VIII soils have severe limitations that make them generally unsuited to cultivation and that limit their use to pasture, rangeland, forestland, or wildlife habitat. (*National Soil Survey Handbook Part 622.02(e)(ii)*)

Governmental Agency Review:

Staff has not yet received a recommendation from the Town of LaGrange regarding this rezoning request.

Technical Review Findings

1. The property is designated as Residential. (see *Future Land Use-Map 13*) The proposed rezoning does meet the intent of this area which is primarily for rural and suburban residential development. (*Residential p. 102*)
2. This request is generally consistent and is not in conflict with the spirit of the Monroe County Comprehensive Plan.

July 29, 2016

General Issues, Consistency with Ordinances

3. It appears the proposed use can comply with standards in the Zoning, Subdivision and Utilities Ordinances.
4. The proposed use is consistent with the spirit or intent of the Comprehensive Plan.

Applicable Statutes and Criteria:

The Planning & Zoning Committee may consider the following provisions before granting approval for rezoning:

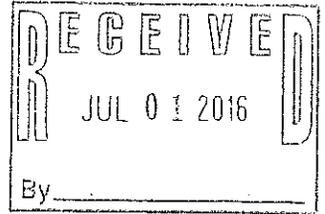
1. The rezoning is consistent with the Monroe County Comprehensive Plan
2. The rezoning and proposed use is consistent with Monroe County Zoning Ordinance and all other applicable Ordinances.
3. The proposed use is consistent with surrounding land uses.
4. The Town's approval or disapproval of the request.

Planning and Zoning Committee Action:

Pursuant to Section 47-915 of the Zoning Ordinance, The Planning and Zoning Committee may do one of the following:

1. Recommend approval of the zoning district change as requested.
2. Recommend approval of the zoning district change with modifications.
3. Recommend disapproval of the zoning district change.

PETITION FOR CHANGE OF ZONING DISTRICT



Date filed 29 June 16

\$200.00 fee paid R# 41183
(Payable to Monroe County Zoning Dept.)

Property Owner's Name REED A. SMITH

Mailing Address 22341 DERRY AVE

City, State, Zip TOMAH, WI 54660

Phone 608-387-1772

Town of LAGRANGE Tax parcel number 020-00170-2000

Property address: 22341 DERRY AVE TOMAH, WI 54660

Legal description of property: NE 1/4, SW 1/4, S 7, T18N, R1E/W,
+ SE NW

Dimensions of property: 651.362 sq. ft., 225 x 290.5 ft. (A Certified Survey Map or legal description from a deed is required if the parcel is less than 40 acres.)

Current Zoning District General Agriculture
lot 1 of 12CS495 Doc # 477870

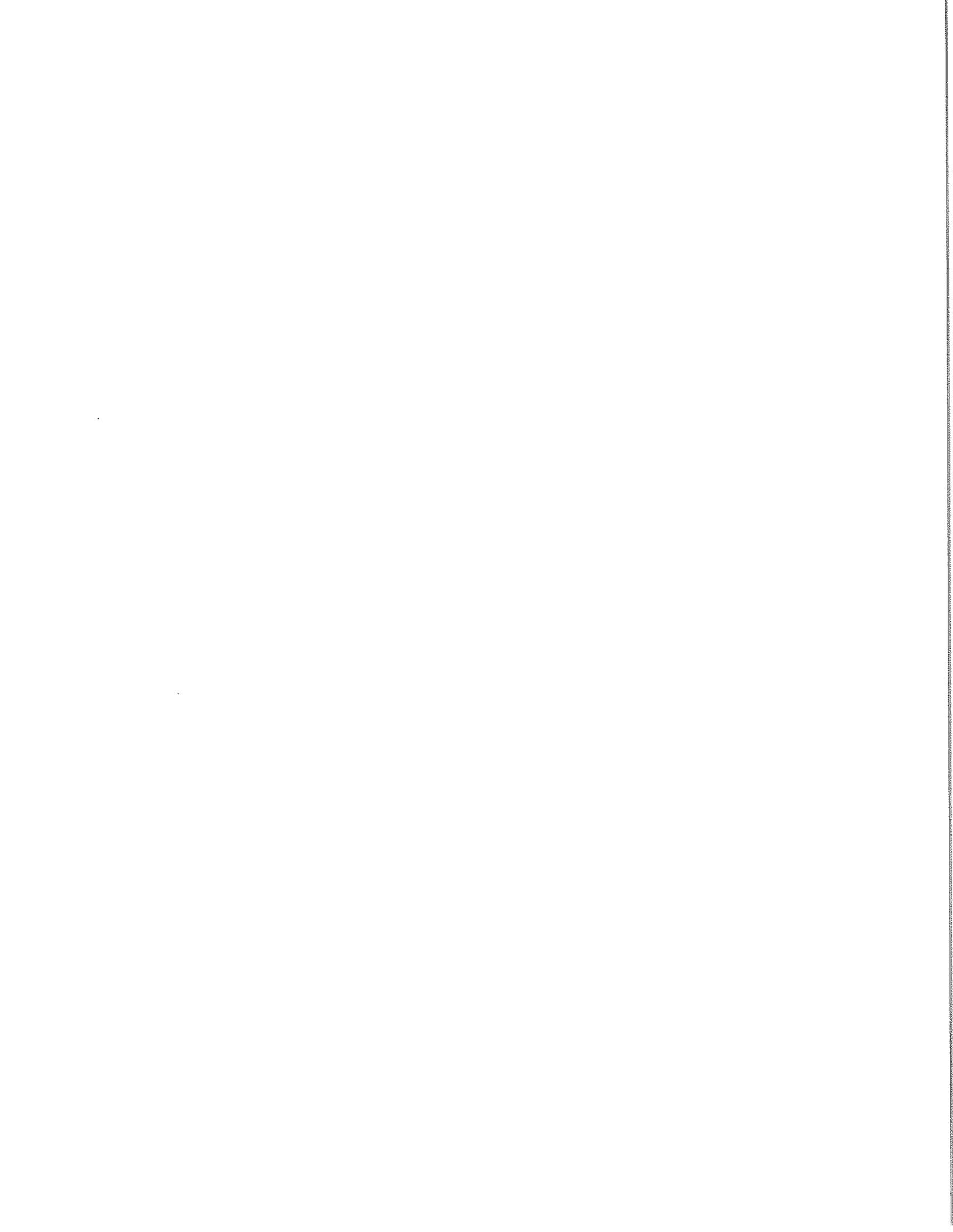
Proposed Zoning District R-3 rural-residential

Reason for requested change INABILITY TO PROPERLY USE A
TAPES MEASURE. SET BACK IS 22 FEET, NEEDS TO BE
25. TO REDUCE MINIMUM SETBACK REQUIREMENTS.

Signed: [Signature]

Date: 29 June 16

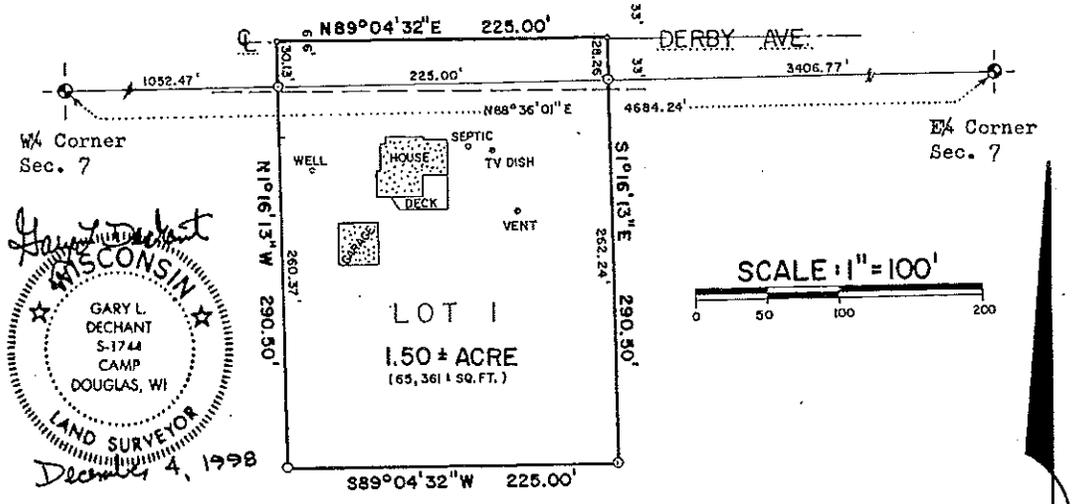
Remit to: Monroe County Zoning Department
14345 County Highway B, Suite 5
Sparta WI 54656
608-269-8736



REGISTER'S OFFICE
 County of Monroe, Wis.
 Received for record this 15
 day of Dec A.D., 19 98
 at 12:45 o'clock P. M.
Lucky & Dutton's Registers
 10:00 pd Dechant Filed

CERTIFIED SURVEY MAP

Part of the SE $\frac{1}{4}$ -Fractional NW $\frac{1}{4}$ and part of the NE $\frac{1}{4}$ -Frac. SW $\frac{1}{4}$
 of Section 7, T18N-R1W, Town of LaGrange, Monroe County, Wi.



- ⊙ = Existing Cast Iron County Monument
- = Set mag nail
- = Set 1"O.D.x24" iron pipe min. wt. 1.13 lbs./lin.ft.

Bearings referenced to the east-west quarter line, ASSUMED to bear N88°36'02"E.

471870

DESCRIPTION: A parcel of land located in part of the SE $\frac{1}{4}$ -fractional NW $\frac{1}{4}$ and in part of the NE $\frac{1}{4}$ -Fractional SW $\frac{1}{4}$ of Section 7, T18N-R1W, Town of LaGrange, Monroe County, Wisconsin, described as follows: Commencing at the NW corner of said Section 7; thence N88°36'01"E along the east-west quarter line 1052.47 feet to the point of beginning; thence N1°16'13"W, 30.13 feet to the centerline of Derby Avenue; thence N89°04'32"E along the centerline of said Derby Avenue 225.00 feet; thence S1°16'13"E, 290.50 feet; thence S89°04'32"W, 225.00 feet; thence N1°16'13"W, 260.37 feet to the point of beginning.

Said parcel contains 1.50 acre of land, more or less.

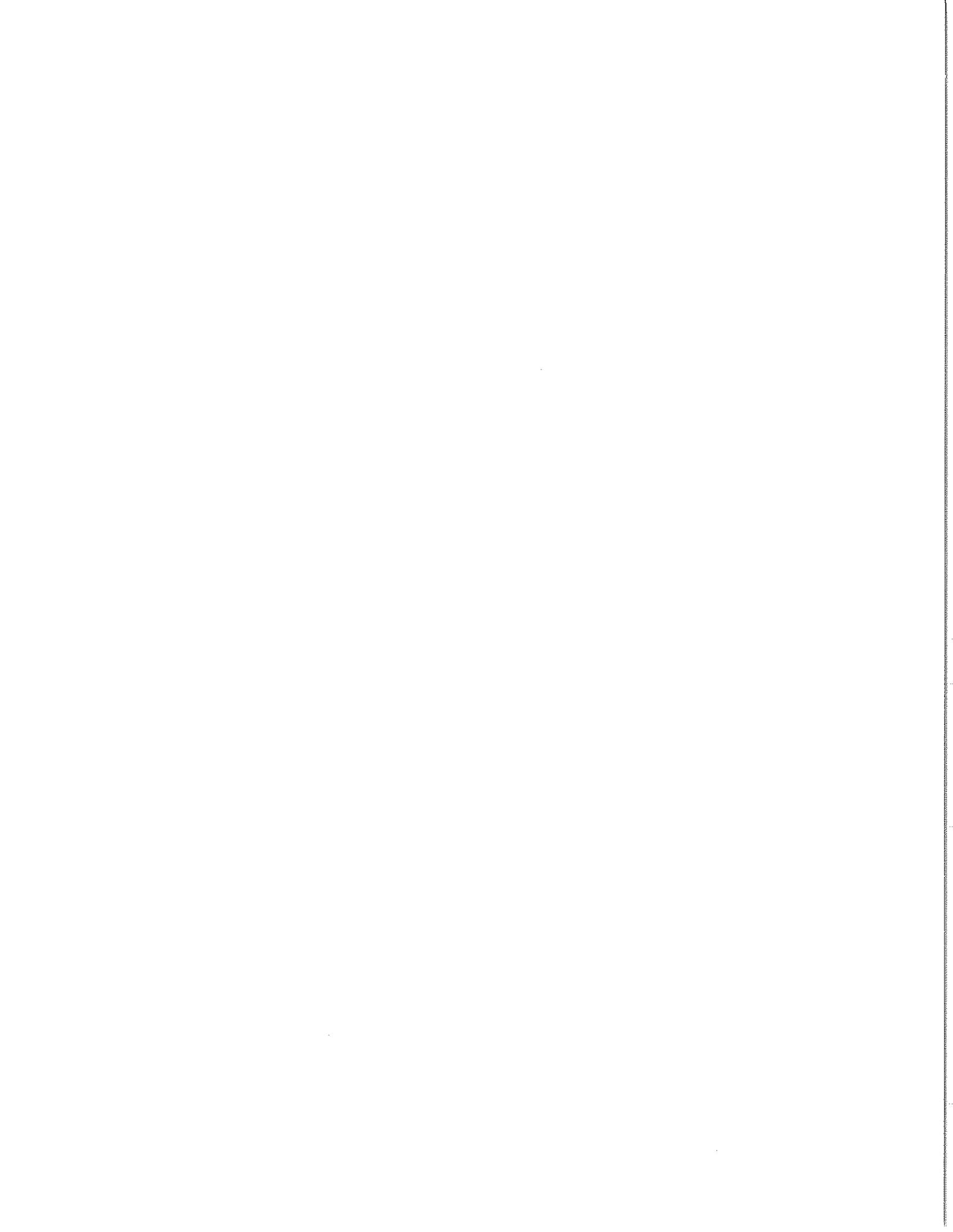
Subject to easements, restrictions, covenants, and right of ways of record.

SURVEYOR'S CERTIFICATE:

I, Gary L. Dechant, being a duly qualified Surveyor, do hereby certify that by the order and under the direction of Mr. Lowell Tubbs, I have surveyed and mapped the property described hereon and that the within map is a true and correct representation of the exterior boundaries of the lands surveyed and that I have fully complied with the provisions of Chapter 236.34 of the Wisconsin Statutes to the best of my knowledge and belief.

Gary L. Dechant Dec 4, 1998
 DECHANT SURVEYING
 17055 Hornet Road Camp Douglas, Wi. 54618
 Ph. No. 608-427-3624

12 2577 95





DERBY AVE

La Grange

Greenfield

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GA

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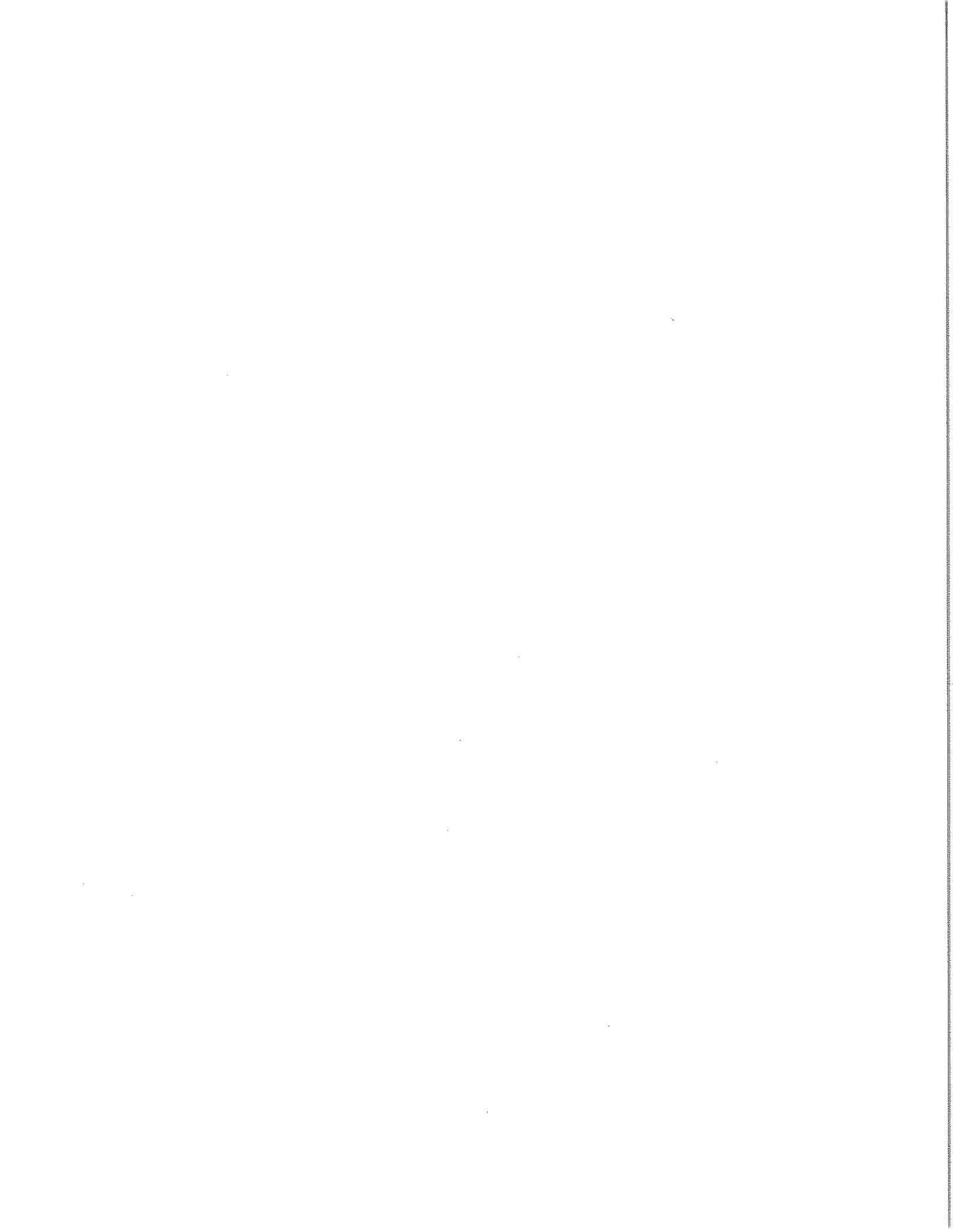
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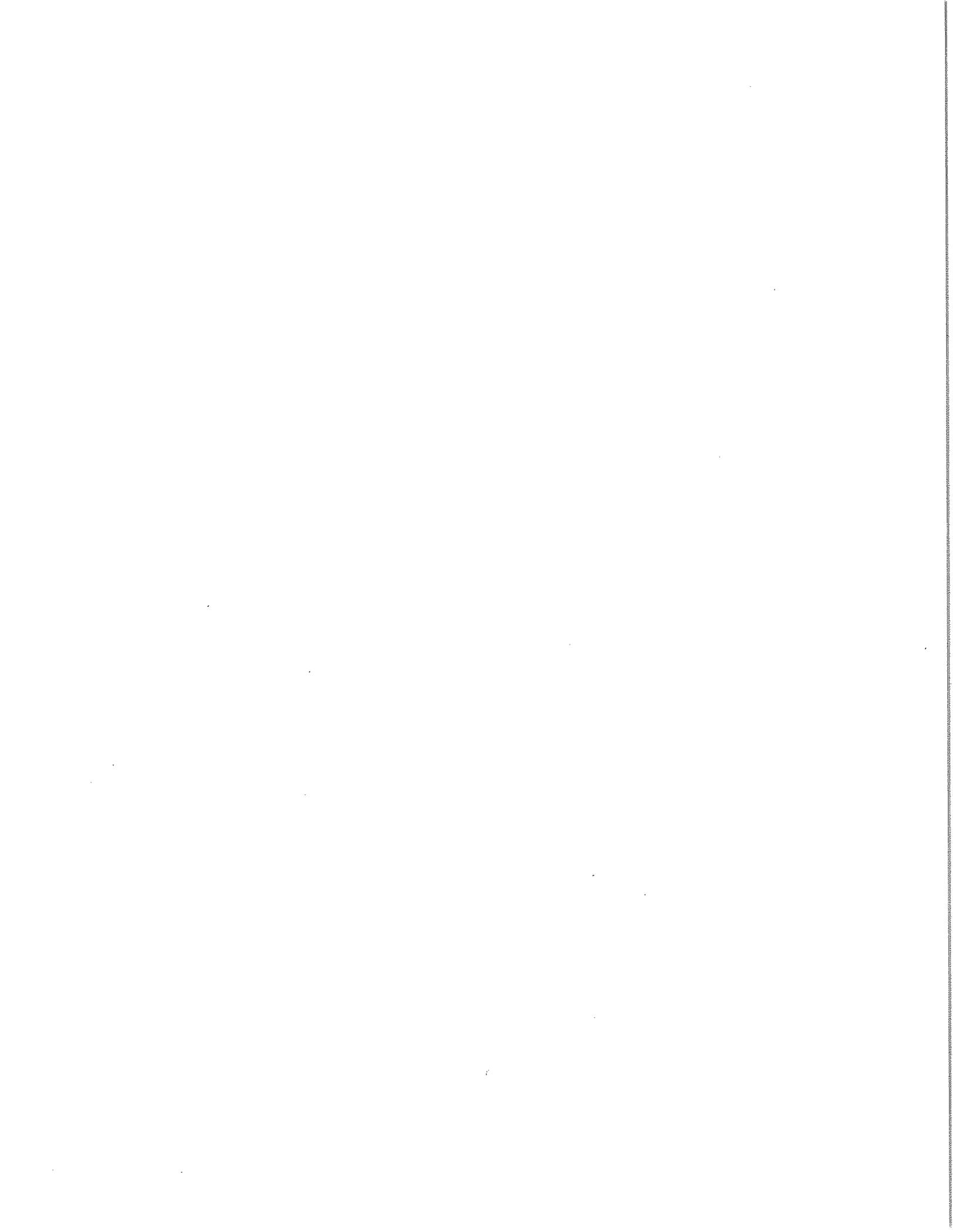
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DISCLAIMER: This map is not guaranteed to be accurate, correct, current, or complete and the user assumes all the responsibility of the information contained herein.





August 1, 2016

Rezoning Staff Report
Monroe County Planning & Zoning Department
David A. Robertson
Hearing Date: August 22, 2016

Property Owner(s): David A. Robertson
Town: Little Falls
Site Address: 4578 Co Hwy I
Parcel Id: 026-00527-2500
Legal Description: Part of NE of the SE, Sec. 29, T19N, R4W
Total Acres: 1.49 Acres
Current Zoning: General Forestry
Requested Zoning: R-3 Rural Residential

Attachments: 1. Application
2. Zoning Map
3. Site Map

Background

Purposed for Request:

To meet the minimum acreage requirement and reflect actual usage of property.

General Features of the Property:

Based on the county zoning maps the parcel to be rezoned is bounded on all sides by parcels which are zoned GF General Forestry (see attachment #2: *Zoning Map*)

-Access for this parcel is off of Co Hwy I.

-Current land use is indicated as Residential. (see *Existing Land Use-Map 12*)

Monroe County Comprehensive Plan:

There are no Shorelands, Wetlands, Floodplain or Perennial Streams contained on this property. The property is identified as NRCS Class IV-VIII soils for farmland capability. (see *Soils and Farmland Map 7*) Class IV-VIII soils have severe limitations that make them generally unsuited to cultivation and that limit their use to pasture, rangeland, forestland, or wildlife habitat. (*National Soil Survey Handbook Part 622.02(e)(ii)*)

Governmental Agency Review:

Staff has not yet received a recommendation from the Town of Little Falls regarding this rezoning request.

Technical Review Findings

1. The property is designated as Residential. (see *Future Land Use-Map 13*) The proposed rezoning does meet the intent of this area which is primarily for rural and suburban residential development. (*Residential p. 102*)
2. This request is generally consistent and is not in conflict with the spirit of the Monroe County Comprehensive Plan.

August 1, 2016

General Issues, Consistency with Ordinances

1. It appears the proposed use can comply with standards in the Zoning, Subdivision and Utilities Ordinances.
2. The proposed use is consistent with the spirit or intent of the Comprehensive Plan.

Applicable Statutes and Criteria:

The Planning & Zoning Committee may consider the following provisions before granting approval for rezoning:

1. The rezoning is consistent with the Monroe County Comprehensive Plan
2. The rezoning and proposed use is consistent with Monroe County Zoning Ordinance and all other applicable Ordinances.
3. The proposed use is consistent with surrounding land uses.
4. The Town's approval or disapproval of the request.

Planning and Zoning Committee Action:

Pursuant to Section 47-915 of the Zoning Ordinance, The Planning and Zoning Committee may do one of the following:

1. Recommend approval of the zoning district change as requested.
2. Recommend approval of the zoning district change with modifications.
3. Recommend disapproval of the zoning district change.

PETITION FOR CHANGE OF ZONING DISTRICT

Date filed 7-5-16

\$200.00 fee paid 7-5-16 #41186
(Payable to Monroe County Zoning Dept.)

Property Owner's Name David A. Robertson

Mailing Address 4578 CHI

City, State, Zip Sparta, Wis 54656

Phone (608) 797-0014

Town of Little Falls Tax parcel number 026-00527-2500

Property address: 4578 CHI Sparta, Wis 54656

Legal description of property: NE 1/4, SE 1/4, S 24, T19N, R4 E(W)

Dimensions of property: 1.49 Acres sq. ft., _____ x _____ ft. (A Certified Survey Map or legal description from a deed is required if the parcel is less than 40 acres.)

Current Zoning District General Forestry

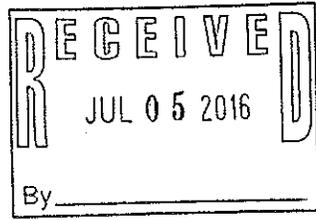
Proposed Zoning District R-3 Rural residential

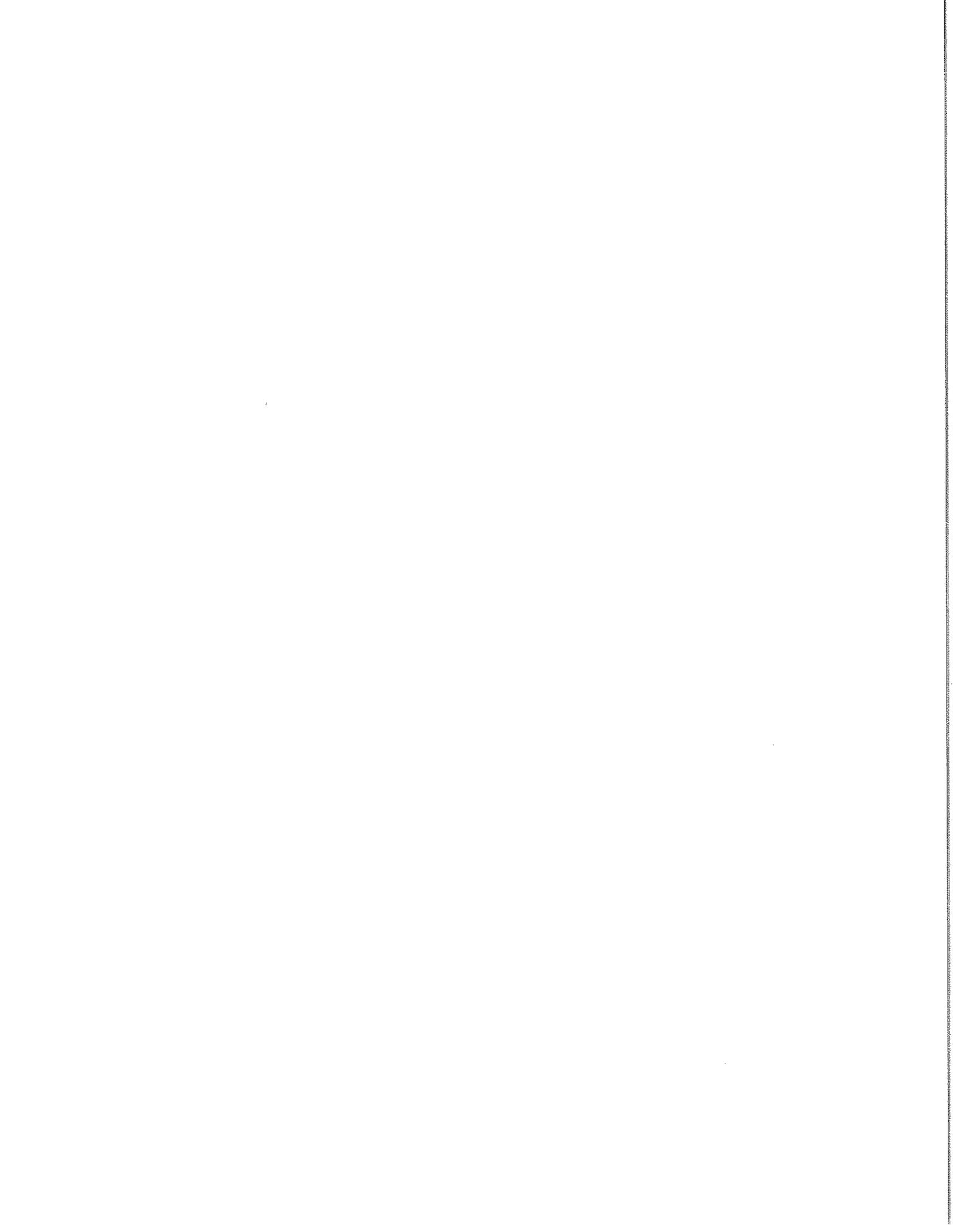
Reason for requested change to meet the minimum acreage requirement + reflect actual usage of the property

Signed: David A. Robertson

Date: 7/5/16

Remit to: Monroe County Zoning Department
14345 County Highway B, Suite 5
Sparta WI 54656
608-269-8736





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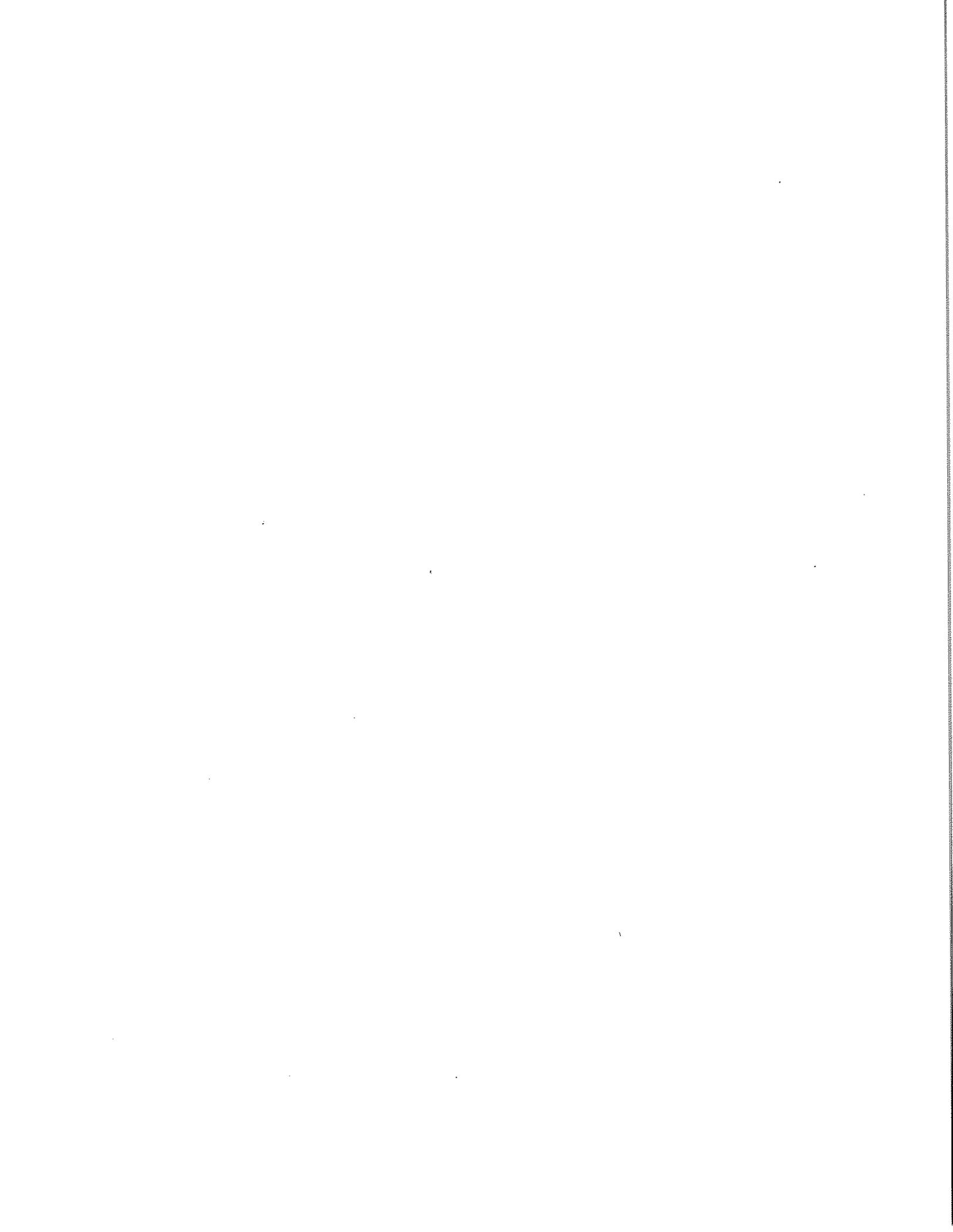
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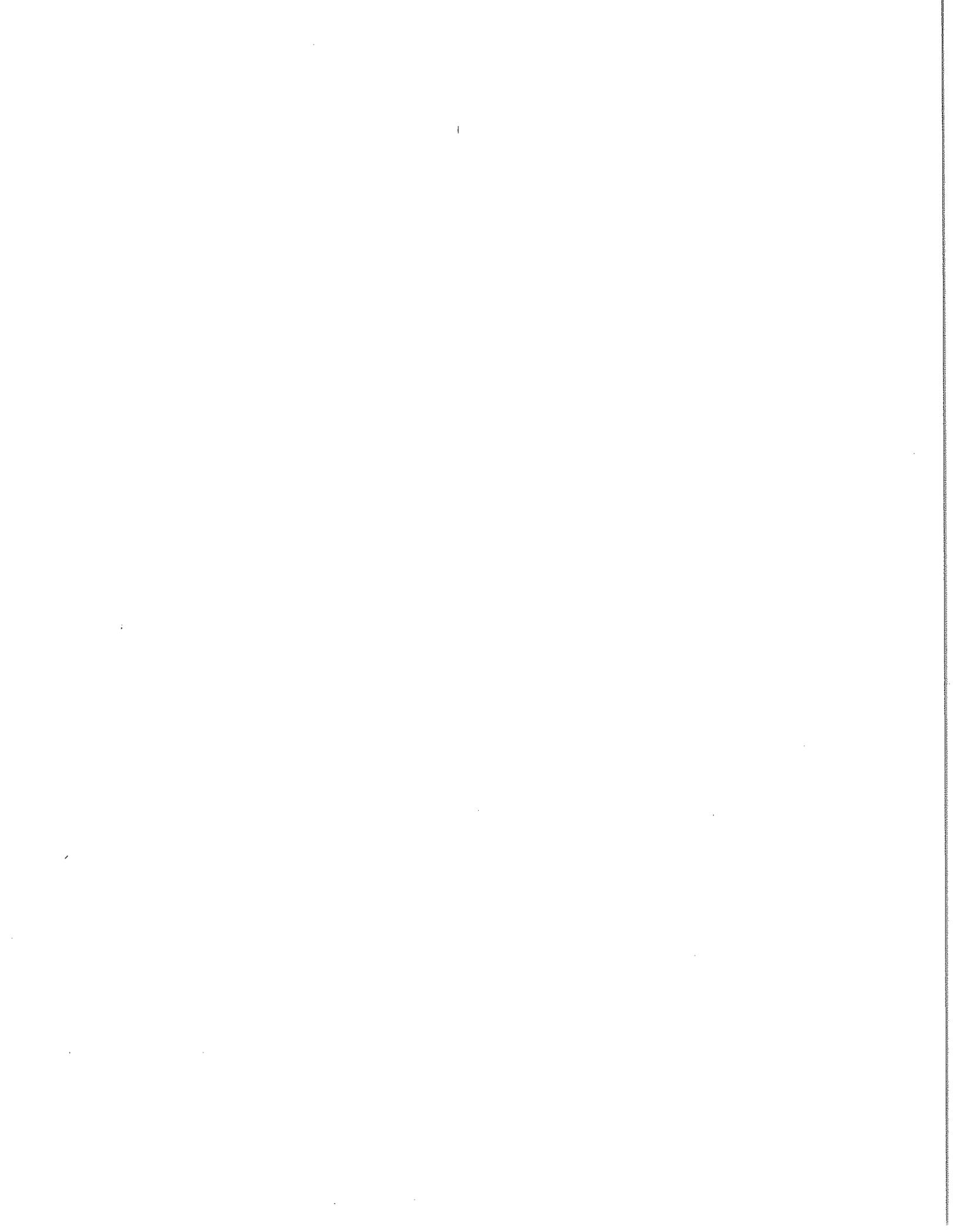
Little Falls

CATBIRD RD

GA

026005290000





Ch 47 Zoning- Proposed Revisions 2016

Italicized and bold type is to be added. Type that has a strikethrough is to be deleted.

ARTICLE I. - IN GENERAL

Sec. 47-7. - Definitions.

Dwelling means a ~~detached building designed or used exclusively as a~~ *structure, or that part of a structure, which is used or intended to be used as a home*, residence or sleeping place *by one person or by 2 or more persons maintaining a common household*, but does not include ~~mobile homes~~ *non-rental guest houses*.

Farm Help means a person who, or a family at least one member of which, earns a substantial part of his or her livelihood from farm operations on the parcel, or is a parent or child of the operator of the farm.

Non- Rental Guest House: A structure, or that part of a structure, which is used or intended to be used occasionally as a dwelling unit by guests of the owner or occupant of the principal dwelling located on the same parcel. A non-rental guest house shall not be the primary residence for one person or for 2 or more persons maintaining a common household. It shall not be occupied more than 180 days in any 365-day period.

Vehicular sales means any operation that requires a license under Ch 218 Wis. Stats.

(Ch 218 Wis. Stats. is the section that regulates motor vehicle dealerships for new and used vehicles. Requires an individual to obtain a license if selling more than 5 of their own personal vehicles within a 12 month period or if the individual purchases even one vehicle with intent to sell.)

Vehicular service means any operation that engages in motor vehicle repair as defined under ATCP 132 Wis. Admin. Code

(ATCP 132 Wis. Admin. Code. Regulates motor vehicle repair and defines it based on the type of "tasks" performed not if money changes hands. See attached excerpt of ATCP 132 for more details)

Sec. 47-11. - Compliance; powers and duties of planning and zoning administrator; appointment of deputy planning and zoning administrator; *appointment of a planning and zoning committee.*

(c) There shall be a planning and zoning committee of five voting members appointed by the chairman of the county board of supervisors. The voting members of the committee shall be county board supervisors. Under Sec. 59.69(1)(cm) Wis. State Stats. the planning and zoning committee shall also include, as a nonvoting member, a representative from Ft. McCoy, if the base's commanding officer appoints such a representative.

Sec. 47-12. - Zoning permit.

*(e) A zoning permit shall be required for all new standalone buildings exceeding 100 square feet and for all ~~major repairs that involve exterior enlargement or additions~~ which would increase the footprint of ~~extend~~ the building *or portion thereof horizontally or vertically including but not limited to decks and porches*. Normal repairs and interior remodeling do not require a zoning permit.*

Sec. 47-15. - Use restrictions.

(3) Conditional uses.

b. A conditional use permit for certain structures, when the principal structure is not present or under construction, may be authorized by the county sanitation/planning and zoning/forestry committee pursuant to the following prescribed procedure: The conditional use of the structure may be permitted if all aspects of the conditional use application process are completed. The county sanitation/planning and zoning/forestry committee must review the conditional use. It must be determined by the committee that the conditional use meets all county and state zoning requirements, is not used permanently or temporarily as a dwelling, and does not harm the health, safety and welfare of the general public. All of the criteria noted in this subsection shall be considered by the committee prior to the granting of this type of conditional use permit, and it shall be the responsibility of the requesting party to show that all of the standards and factors noted in this subsection are met.

DIVISION 5. - B BUSINESS

Sec. 47-195. - Accessory uses.

Accessory uses in the B business district shall be as follows:

(2) Dwellings, including manufactured homes, ~~over or attached to other permitted uses;~~

Sec. 47-196. - Conditional uses.

(a) Conditional uses in the B business district shall be as follows:

(21) Vehicular sales ~~and~~ *or* service;

DIVISION 8. - GA GENERAL AGRICULTURE

Sec. 47-290. - Principal uses.

Principal uses in the GA general agriculture district shall be as follows:

(8) Poultry farms housing ~~10,000 birds or less;~~

(Ch 93.90 (3) Wis. Stats. Does not allow a county to approve or disapprove a facility based solely on number of animal units.)

Sec. 47-292. - Conditional uses.

Conditional uses in the GA general agriculture district shall be as follows:

(10) Poultry farms housing ~~more than 10,000 birds;~~

(16) Small engine and recreational vehicle sales ~~and~~ *or* service;

(22) *Vehicular service*

ARTICLE IV. - CONDITIONAL USES

Sec. 47-584. - Procedure.

f. Conditional use permits are transferrable to subsequent owners when property is sold unless otherwise prohibited by specific condition added to the permit. The conditional use permit shall be transferred upon the new owners signing a transfer form which acknowledges the original permit remains in effect.

g. A conditional use permit holder may apply for a replacement conditional use permit. The replacement process shall follow Sec. 47-584. If the replacement conditional use permit is granted the original conditional use permit shall be surrendered. If the replacement conditional use permit is denied by the zoning committee or vetoed by the Town Board the original conditional use permit or permits shall remain in effect.

h. A conditional use permit shall expire three years from the issue date if the use has not begun.

47-585 (±) Violation. Any permitted conditional use which does not continue in conformity with the conditions of the permit shall be considered in violation of this chapter *and may be revoked. If revoked a new conditional use permit shall be obtained prior to the use resuming.*

47-586 - Abatement Order. The abatement process for a conditional use permit is in addition to other penalties allowed in this chapter.

- (a) Issuance of Order. If the Zoning Department Administrator, after investigation, has reasonable grounds to believe that a violation of a condition on a conditional use permit is occurring or has occurred, the Zoning Administrator may issue and serve ~~address~~ an order of abatement directed to the conditional use permit holder. Service shall be by U.S. Post Office mail sent to the address listed for the real estate property taxes for the subject property of the permit.*
- (b) Content of Order. An abatement order issued as set out above shall contain all of the following: The name and address of the conditional use permit holder; identification of the real property subject to the conditional use permit; the condition alleged to be violated; a brief description of the violation; a prohibition on further violations; a description of measures necessary to correct the alleged violation.*
- (c) Process. Along with the above content, the order for abatement shall inform the conditional use permit holder that the order of abatement may be appealed to the zoning committee. The request for appeal must be within the 10-day period following service of the order, by filing the request with Corporation Counsel Office. The hearing shall be informal in nature. The zoning committee shall either confirm the order of abatement or cancel the order of abatement.*

47-587 - Revocation of Conditional Use Permit. If the Zoning Department Administrator, after investigation, has reasonable grounds to believe that a second violation of a condition on a conditional use permit is occurring or has occurred within one year of a first violation, the Zoning Administrator may issue and serve an order of revocation directed to the conditional use permit holder. Service shall be by U.S. Post Office mail sent to the address listed for the real estate property taxes for the subject property of the permit.

- (a) Content of Order. An order of revocation issued as set out above shall contain all of the following: The name and address of the conditional use permit holder; identification of the real property subject to the conditional use permit; the date and basis for the finding of the first violation; the condition alleged to be violated; a brief description of the violation.*
- (b) Process. Along with the above content, the order for revocation shall inform the conditional use permit holder that the order of revocation may be appealed to the zoning committee. The request for appeal must be within the 10-day period following service of the order, by filing the request with Corporation Counsel Office. The hearing shall be informal in nature. The zoning committee shall either confirm the order of revocation or cancel the order of revocation.*

ATCP 132 Wis. Admin. Code (excerpt)

132.01 Definitions.

- (7) "Motor vehicle" means any motor vehicle as defined in s. 340.01 (35), Stats., and any motor home as defined in s. 340.01 (33m), Stats., which is required to be registered with the state of Wisconsin department of transportation under ch. 341, Stats., or with an equivalent agency of another state, but does not include any vehicle, except a motor home, whose manufacturer's specified gross vehicle weight rating exceeds 16,000 lbs.
- (8) "Repair" means any of the repair tasks identified under sub. (12), but does not include any of the following:
- (a) Repair tasks that a shop performs on its own motor vehicle, or that a motor vehicle dealer performs in order to prepare a new or used motor vehicle for sale by the dealer.
 - (b) Repair tasks that the sole proprietor of a shop performs on a family member's motor vehicle.
 - (c) Towing a motor vehicle.
 - (d) Supplying motor fuel to a motor vehicle.
 - (e) Washing or waxing the exterior surface of a motor vehicle, unless the washing and waxing is performed in conjunction with another repair task under sub. (12).
 - (f) Cleaning the passenger compartment of a motor vehicle, unless the cleaning is performed in conjunction with another repair task under sub. (12).
- (12) "Repair task" includes any of the following:
- (a) The diagnosis of any defect or malfunction in a motor vehicle, or in a motor vehicle component, part or attached accessory.
 - (b) The installation or removal of any motor vehicle component, part or accessory.
 - (c) The improvement, adjustment, replacement, maintenance or servicing of any motor vehicle component or part, regardless of whether that component or part is attached to a motor vehicle at the time of repair.
 - (d) The improvement, adjustment, replacement, maintenance or servicing of any accessory that is attached to a motor vehicle at the time of repair.
 - (e) Tasks related to the preparation of a repair estimate or firm price quotation if the shop charges for preparing the repair estimate or firm price quotation.
- (13) "Shop" means any natural person, corporation, partnership, or other business association or entity engaged in the motor vehicle repair business, and includes all owners, officers, employees and agents of the shop. "Shop" does not include a shop that repairs motor vehicles only for a single business or governmental entity, or for 2 or more entities that are subject to common control.

Ch 53 Zoning- Shoreland Proposed Revisions (Acts 167 & 391)

Revisions will comply with amendments required by Acts 167 & 391.

Italicized and bold type is to be added. Type that has a strikethrough is to be deleted.

• **ARTICLE II. - GENERAL PROVISIONS**

• **Sec. 53-31. - Areas to be regulated.**

- (4) Determinations of navigability and ordinary high-water mark location shall initially be made by the zoning administrator. When questions arise, the zoning administrator shall contact the appropriate office of the department for a final determination of navigability or ordinary high-water mark. *The county may work with surveyors with regard to s. 59.692(1h) Wis. Stats.*

Sec. 53-35. - Abrogation and greater restrictions.

- (6) *This chapter may not establish shoreland zoning standards that requires any of the following:*
 - (a) *Approval to install or maintain outdoor lighting in shorelands, impose any fee or mitigation requirement to install or maintain outdoor lighting in shorelands, or otherwise prohibit or regulate outdoor lighting in shorelands if the lighting is designed or intended for residential use.*
 - (b) *An inspection or upgrade of a structure before the sale or other transfer of the structure may be made.*
- (7) *The construction and maintenance of a facility is considered to satisfy the requirements of a shoreland zoning ordinance if the Department of Natural Resources has issued all required permits or approvals authorizing the construction or maintenance under s. 30, 31, 281, or 283 Wis Stats.*

Sec. 53-38. Relaxation of standards for persons with disabilities.

The zoning administrator may issue a special permit to relax the standards of this ordinance in order to provide reasonable accommodations as required by provisions of the federal and state law. Such relaxation shall be the minimum necessary to be consistent with federal guidelines for accommodation of persons with disabilities and shall, where practical, be terminated when the facility is no longer used by the disabled person. A person applying for a permit for construction under this section shall establish the nature and extent of the disability and that the relaxation requested is the minimum necessary to provide reasonable use of the facility. An affidavit for the reasonable accommodation shall be filed with the Register of Deeds.

ARTICLE VI. - MINIMUM LOT SIZE AND SETBACKS

• **DIVISION 2. - SETBACKS**

• **Sec. 53-181. - Shoreland setbacks.**

(b) Exempt structures. All of the following structures are exempt from the shoreland setback standards in subsection (a):

- (1) Boathouses located entirely above the ordinary high-water mark and entirely within the access and viewing corridor that do not contain plumbing and are not used for human habitation. *The roof of a boathouse may be used as a deck provided that:*
 - (a) *The boathouse has a flat roof.*
 - (b) *The roof has no side walls or screens.*
 - (c) *The roof may have a railing that meets the Department of Safety and Professional Services standards.*

(7) *Devices or systems used to treat runoff from impervious surfaces.*

(c) Existing exempt structures. Existing exempt structures may be maintained, repaired, replaced, restored, rebuilt and remodeled provided the activity does not expand the footprint and does not go beyond the three-dimensional building envelope of the existing structure. Expansion of a structure beyond the existing footprint may be allowed if the expansion is necessary to comply with applicable state or federal requirements.

• **Sec. 53-182. - Reduced principal structure setbacks.**

Existing development pattern means that principal structures exist within 250 feet of the proposed principal structure in both directions along the shoreline. Where there is an existing development pattern, the shoreland setback for a proposed principal structure may be reduced to the average shoreland setback of the principal structure on each adjacent lot within 250 feet of the proposed principle structure. The shoreland setback may not be reduced to less than 35 feet from the ordinary high water mark of any navigable waters.

A setback less than the 75' required setback from the ordinary high water mark shall be permitted for a proposed principal structure and shall be determined as follows:

(a) Where there are existing principal structures in both directions, the setback shall equal the average of the distances the two existing principal structures are set back from the ordinary high water mark provided all of the following are met:

- (1) Both of the existing principal structures are located on adjacent lot to the proposed principal structure.*
- (2) Both of the existing principal structures are located within 250' of the proposed principal structure and are the closest structure.*
- (3) Both of the existing principal structures are located less than 75' from the ordinary high water mark.*
- (4) The average setback shall not be reduced to less than 35' from the ordinary high water mark of any navigable water.*

ARTICLE VIII. - FILLING, GRADING, EXCAVATING, ETC.

• **Sec. 53-241. - General standards.**

Filling, grading, lagooning, dredging, ditching or excavating which does not require a permit under section 53-242 may be allowed in the shoreland area provided that:

(5) No filling or grading shall be done from the ordinary high water mark to 35 feet back unless necessary to establish or re-establish the vegetative buffer.

• **Sec. 53-243. - Soil conservation practices and agricultural drainage maintenance.**

(b)(4)A ~~ten~~ thirty-five foot wide buffer strip of untilled, ungrazed sod cover shall be maintained adjacent to the ditch bank.

ARTICLE IX. - IMPERVIOUS SURFACE STANDARDS

• **Sec. 53-272. - Calculation of impervious surface.**

Calculation of impervious surface. Percentage of impervious surface shall be calculated by dividing the surface area of existing and proposed impervious surfaces on the portion of a lot or parcel that is within 300 feet of the ordinary high-water mark by the total surface area of that portion of the lot or parcel that is within 300 feet of the ordinary high-water mark, and multiplied by 100. Impervious surfaces described in 53-275 shall be excluded from the calculation of impervious surface on the lot or parcel. If an outlot lies between the ordinary high water mark and the developable lot or parcel and both are in common ownership, the lot or parcel and the outlot shall be considered one lot or parcel for the purposes of calculating the percentage of impervious surface.

ARTICLE X. - NONCONFORMING USES AND STRUCTURES

Sec. 53-304. - Maintenance repair, replacement or vertical expansion of nonconforming principal structures.

An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback may be maintained repaired replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of the nonconforming structure. Further, an existing structure that was lawfully placed when constructed but that does not comply with the required shoreland setback may be vertically expanded unless the vertical expansion would extend more than 35 feet above grade level. Expansion of a structure beyond the existing footprint may be allow if the expansion is necessary to comply with applicable state or federal requirements.

- **Sec. 53-305. - Lateral expansion of nonconforming principal structure within the setback.**

An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback per section 53-181 and 53-182 may be expanded laterally, provided that all of the following requirements are met:

- **Sec. 53-306. - Expansion of a nonconforming principal structure beyond setback.**

An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback per section 53-181 and 53-182, may be expanded horizontally, landward or vertically provided that the expanded area meets the building setback requirements per section 53-181 or 53-182 and that all other provisions of the shoreland ordinance are met. A mitigation plan is not required solely for expansion under this section, but may be required per article IX of this chapter.

- **Sec. 53-308. —Maintenance of nonconforming accessory structures.**

~~Accessory structures that were legally constructed before the adoption of this chapter may be maintained and repaired but may not be expanded or rebuilt unless authorized by Wis. Stats. § 59.692(1s), or unless they are made to conform to all other provisions of this chapter.~~

Maintenance, repair, replacement or vertical expansion of structures that were authorized by variance. A structure of which any part has been authorized to be located within the shoreland setback area by a variance granted before July 15, 2015 may be maintained, repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of the authorized structure. Additionally, the structure may be vertically expanded unless the vertical expansion would extend more than 35 feet above grade level. Expansion of a structure beyond the existing footprint may be allowed if the expansion is necessary to comply with applicable state or federal requirements.

- **Sec. 53-310. - Mitigation.**

(a) A plan to mitigate for the adverse effects of construction, on a waterfront property, within the shoreland area of a navigable body of water is required under other sections of this chapter. The number of mitigation points necessary for a land use permit depends on the type, size and location of the construction activity. The Monroe County Zoning Department must approve a mitigation plan and an affidavit shall be filed with the property deed. The following activities will be awarded the number of points indicated:

- (1) The removal of a ~~legal~~ nonconforming structure, which is nonconforming because it does not meet the requirements of section 53-181 and which is 125 square feet or less in area2 points.
- (2) The removal of a ~~legal~~ nonconforming structure, which is nonconforming because it does not meet the requirements of section 53-181 and which is greater than 125 square feet in area3 points.
- (3) The implementation of a shoreland vegetative buffer zone under section 53-212 which is on the property of the proposed construction3 points.

(4)Reserved.

(5)Use of exterior building materials or treatments that are inconspicuous and blend with the natural setting of the site1 point.

(6)Removal of waterward improvements (seawalls, dockage, artificial sand beaches, etc.) and/or restoration of emergent aquatic vegetation2 points.

(7)Any other mitigation that is deemed appropriate by the zoning administrator may be used to meet the mitigation requirements of subsection (a) of this section.

(b)A shoreland mitigation affidavit shall be signed and recorded at the Monroe County Register of Deeds Office prior to the issuance of the zoning permit for the expansion or improvement of a legal nonconforming principal structure which requires mitigation under section 53-305.

~~(c)Except as provided in subsection 53-53-302(b), legal nonconforming accessory buildings and structures are limited to ordinary maintenance and repair and shall not be improved or expanded.~~

(d)An impervious surface maximum as established in section 53-274 is permitted as long as the following standards are met:

(1)Three mitigation points from subsections (a)(1)—(7) of this section are obtained.

(2)The mitigation plan affidavit is recorded at the register of deeds office.

(3)Impervious surfaces cannot exceed 15 percent within 0—35 feet from the ordinary high-water mark of a navigable body of water.

(e)Expansion of a ~~legal~~ nonconforming structure, which is located a minimum of 35 feet from the ordinary high-water mark must meet the following:

(1)Three mitigation points from subsections (a)(1)—(7) are obtained.

(2)The mitigation plan affidavit is recorded at the register of deeds office.

- **ARTICLE XII. - DEFINITIONS**
- **Sec. 53-361. - Defined terms.**

Facility means any property or equipment of a public utility, as defined in s. 196.01 (5) Wis. Stats., or a cooperative association organized under PCS 185 Wis. Admin. Code for the purpose of producing or furnishing heat, light, or power to its members only, that is used for the transmission, delivery, or furnishing of natural gas, heat, light, or power.

Impervious surface means an area that releases as runoff all or a majority of the precipitation that falls on it. "Impervious surface" excludes frozen soil but includes rooftops, sidewalks, driveways, parking lots, and streets *unless specifically designed, constructed and maintained to be pervious. Roadways as defined in s. 340.01(54), Wis. Stats., or sidewalks as defined in s. 340.01(58), Wis. Stats., are not considered impervious surfaces.*